

HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI

Writ Petition No. 9851 of 2005

Between:

Edunuthula @ Adunuthula Jayamma

... Petitioner

And

Union of India,
Rep. by its Deputy Secretary,
Ministry of Home Affairs,
New Delhi & others

... Respondents

:: ORDER ::

Counsel for the petitioner : Shri M. Rajamalla Reddy

Counsel for respondent
Nos.1 and 2 : Shri A. Rajashekar Reddy,
Assistant Solicitor General

Counsel for respondent No.2: Government Pleader for Revenue

June 20, 2007

In this petition, the petitioner has prayed for issue of a mandamus to the respondents to consider the application submitted by her husband for grant of pension under Swatantrata Sainik Samman Pension Scheme, 1980 (for short, 'the 1980 Scheme').

At the hearing, Shri M. Rajamalla Reddy, learned counsel for the petitioner submitted that in view of the averments contained in paragraph 38 of the counter-affidavit filed on behalf of respondent No.1, his client may be given liberty to submit fresh application along with the documentary evidence in support of her claim for grant of pension as a dependent of the freedom fighter and the respondents be directed to consider and decide the same within a specified timeframe.

Shri A. Rajashekar Reddy, learned Assistant Solicitor General and learned Government Pleader for Revenue say that if the petitioner submits fresh application, then the same will be processed and decided as early as possible.

In view of the statements made by the learned counsel for the parties, the writ petition is disposed of in the following terms:

- (1) Within two months from today, the petitioner may submit an application to the competent authority of the Government of Andhra Pradesh claiming pension under the 1980 Scheme as a dependent of the deceased freedom fighter. Along with the application, the petitioner shall submit the entire documentary evidence which may support her claim for grant of pension as a dependent of the freedom fighter.
- (2) Within next two months, the competent authority of the Government of Andhra Pradesh, Revenue (Freedom Fighters Division) shall consider the same and make appropriate recommendation to the Government of India, Ministry of Home Affairs.
- (3) Within two months of the receipt of the recommendation from the Government of Andhra Pradesh, the competent authority of the Government of India shall decide the eligibility and entitlement of the petitioner to receive pension under the 1980 scheme as a dependent of the freedom fighter.
- (4) If the Government of Andhra Pradesh and/or Government of

India comes to the conclusion that the petitioner is not entitled to receive pension under the 1980 Scheme by being treated as a dependent of the freedom fighter, then such decision shall be communicated to her by registered post.

As a sequel to disposal of the writ petition, W.P.M.P.No.12825 of 2005 filed by the petitioner for interim relief is disposed of as infructuous.

G.S. SINGHVI, CJ

20.06.2007

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